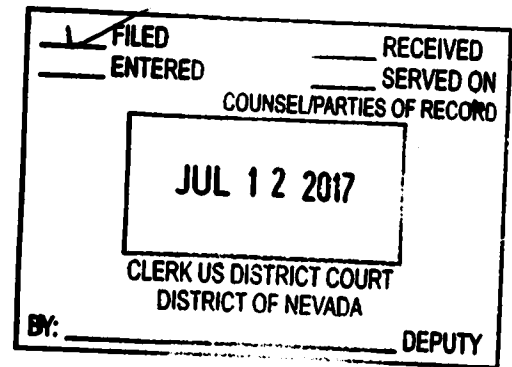


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8 *York Mellon f/k/a The Bank of New York as*  
9 *Trustee for the Benefit of the*  
10 *Certificateholders of the CWABS, Inc.,*  
11 *Asset-Backed Certificates, Series 2004-2*

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 **THE BANK OF NEW YORK MELLON FKA**  
15 **THE BANK OF NEW YORK AS TRUSTEE**  
16 **FOR THE BENEFIT OF THE**  
17 **CERTIFICATEHOLDERS OF THE CWABS,**  
18 **INC., ASSET-BACKED CERTIFICATES,**  
19 **SERIES 2004-2,**

20 **Plaintiff,**

21 **vs.**

22 **TOWNHOUSE SOUTH ASSOCIATION, INC.;**  
23 **THUNDER PROPERTIES, INC.; and E. ALAN**  
24 **TIRAS, P.C.,**

25 **Defendants.**

Case No.: 3:16-cv-00208-RJC-VPC

**[PROPOSED] FINAL JUDGMENT**

26 Pursuant to the Court's order dated May 23, 2017 [ECF. No. 66], the Court hereby enters  
27 final judgment in this case as follows:

28 1. This action concerns the real property commonly known as 580 Smithridge Park, Reno,  
Nevada 89502, APN 025-180-39 (the **Property**), more specifically described as:

Parcel 1:

Unit 580 of Smithridge Park Townhouses No. 4, Unit No. 1, according to the Map  
thereof, filed in the Office of the County Recorder of Washoe County, State of  
Nevada, on April 19, 1972, as Tract Map No. 1299.

Parcel 2:

1 An undivided 1/72<sup>nd</sup> interest in and to Lot 525 of Smithridge Park Townhouses No. 4,  
2 No. 1, according to the map thereof, filed in the Office of the County Recorder of  
Washoe County, State of Nevada, on April 19, 1972, as Tract Map No. 1299.

3 2. Plaintiff The Bank of New York Mellon f/k/a The Bank of New York as Trustee for  
4 the Benefit of the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2004-2  
5 (BNYM) is the beneficiary of a senior deed of trust recorded against the real property at issue in this  
6 case on December 23, 2003, as Instrument No. 2972594 (the **Senior Deed of Trust**), which secures  
7 a loan in the original amount of \$104,310.00.

8 3. Townhouse South Association, Inc. (the **HOA**) foreclosed on the property on or about  
9 August 8, 2013. A foreclosure deed upon sale in favor of Thunder Properties, Inc. (**Thunder**) was  
10 recorded August 15, 2013, as Instrument No. 4269443.

11 **IT IS HEREBY ORDERED:**

12 1. The Court has granted summary judgment in BNYM's favor as to its first cause of  
13 action for quiet title and declaratory judgment. Specifically, the Court finds the HOA's foreclosure  
14 sale did not extinguish the Senior Deed of Trust held by BNYM. As a result, the title acquired by  
15 Thunder at the foreclosure sale is subject to the Senior Deed of Trust.

16 2. The Senior Deed of Trust remains a valid superior lien against the property and is  
17 superior to the interest held by Thunder;

18 3. As to the remaining claims — Breach of NRS 116.1113 (Second Cause of Action);  
19 Wrongful Foreclosure (Third Cause of Action); and Injunctive Relief (Fourth Cause of Action) —  
20 these claims are dismissed as moot. Accordingly, all claims in this case are resolved.

21 4. This is the final judgment of the Court, and no further order is required. Each side  
22 will bear its own fees and costs.

23 ...

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27 ...

28

**ORDER**

**IT IS SO ORDERED:**

  
UNITED STATES DISTRICT JUDGE

DATED July 12, 2017

Respectfully submitted by:

**AKERMAN LLP**

/s/ William S. Haldas

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Inc., Asset-Backed Certificates, Series 2004-2*

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1 Approved as to Form:

2 **ROGER P. CROTEAU & ASSOCIATES,**  
3 **LTD.**

**LAXALT & NOMURA, LTD.**

4 **PROVIDED NO RESPONSE**

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